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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,112	12/29/2000	Robert J. Duncan	061473 0270171	8220
27498	7590	11/05/2003	EXAMINER	
PILLSBURY WINTHROP LLP 2550 HANOVER STREET PALO ALTO, CA 94304			NGUYEN, VAN H	
			ART UNIT	PAPER NUMBER
			2126	

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/752,112

Applicant(s)

DUNCAN ET AL.

Examiner

VAN H NGUYEN

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This Office Action is in response to the application filed December 29, 2000. Claims 1-20 are presented for examination.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- As to claims 1 and 11, "the differentiated services classification subsystem" lacks antecedent basis. Claims 1 and 11 have no "a differentiated services classification subsystem" term that defines or supports the given reference. Also, the term "this flow information" is vague and indefinite.

The dependent claims are also rejected for fully incorporating the dependencies of their parent claims.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by **Yasrebi** (U.S. 5,596,579).

**As to claim 1**, Yasrebi teaches a method for classifying a remote procedure call (*classifying the different types of remote procedure calls*; abstract) from a client system (*a client machine 2*; fig.2) that initiates connections to a remote server (*a remote server 13*; fig.2) using a client and underlying remote procedure call transport code (*co.8, line 9-col.9, line 47*), the method comprising:

detecting when a connection carrying high value data for the remote procedure call is created (*check the procedure definitions...calling the appropriate server procedure*; col.6, lines 24-47);

using a side channel to communicate flow information associated with the detected connection to a classifying router (*the client machine 2 with the outgoing call issues a command*

*through its programming interface 5... channels the call command to the target port from the appropriate pool of ports; col.5, lines 22-38); and*

- incorporating this flow information into a differentiated services classification subsystem of the classifying router (*linking the incoming and outgoing calls between users and servers in the LAN with remote users 46 and servers 47; col.7, lines 25-54 and fig. 3*).

**As to claim 2**, Yasrebi teaches providing an API to calling applications; detecting when applications call the API; and executing a remote procedure routine based on a call by an application (col.7, lines 40-67).

**As to claim 3**, Yasrebi teaches accessing a remote procedure call API; and the API provided to calling applications includes functionality duplicative of remote procedure call API functionality (col.7, lines 40-67).

**As to claim 4**, Yasrebi teaches accessing a remote procedure call API; and the API provided to calling applications presents an interface duplicative of the remote procedure call API to calling applications (col.7, lines 40-67).

**As to claim 5**, Yasrebi teaches obtaining flow information from an application call to the API; and providing the flow information to the classifying router via the side channel (col.5, lines 22-38).

**As to claim 6**, Yasrebi teaches the flow information includes a five-tuple including sender and receiver MAC and IP addresses, sender and receiver MAC and IP port numbers, and TCP protocol type for the connection (col.5, lines 29-44 and col.10, lines 1-43).

**As to claim 7**, Yasrebi teaches the side channel is implemented as a CGI script from the client to the router (col.7, lines 25-39).

**As to claim 8**, Yasrebi teaches the flow information includes a five-tuple including sender and receiver MAC and IP addresses, sender and receiver MAC and IP port numbers, and TCP protocol type for the connection (col.5, lines 29-44 and col.10, lines 1-43).

**As to claim 9**, Yasrebi teaches incorporating includes: using the flow information to determine a differentiated services classification for the connection; and marking traffic delivered to the connection by the classifying router based on the classification (col.7, lines 25-54 and fig. 3).

**As to claim 10**, Yasrebi teaches detecting the identity of the client making the remote procedure call, the flow information further containing this detected identity (col.6, lines 24-47).

**Claims 11-20** are directed to an apparatus for performing the method of claims 1-10, and are similarly rejected under the same rationale.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Jorgensen	US 6640248	issued date: 10/2003
- Chen et al.	US 6487170	issued date: 11/2002
- Davies et al.	US 6483805	issued date: 11/2002
- Kapoor et al.	US 5682534	issued date: 10/1997

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN H NGUYEN whose telephone number is (703) 306-5971. The examiner can normally be reached on Monday-Thursday from 8:30AM - 6:00PM. The examiner can also be reached on alternative Friday.

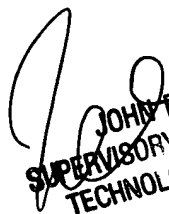
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9000.

**Any response to this action should be mailed to:**  
**Commissioner for Patents**  
**PO Box 1450**  
**Alexandria, VA 22313-1450**

**or fax to:**

(703) 746-7239 (for formal communications intended for entry)  
(703) 746-7238 (for After Final communications)  
(703) 746-7240 (for informal or draft communications)

VHN  
October 31, 2003

  
**JOHN FOLLANSBEE**  
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